

Office of General Counsel

78-3440

29 August 1978

OGC Has Reviewed

STATINTL

NOTE FOR: Jack Blake

FROM :

Jack,

From time to time news stories or other incidents have triggered questions or criticisms concerning former CIA employees working for a foreign government. Our general advice has been that such employment as such is not prohibited.

We undertook a fairly basic paper on this issue, a copy of which, by [redacted] is attached for your information. Ed's paper concludes, after some analysis, that there are strong arguments to support the position that former Agency employees are not prohibited from such employment.

STATINTL

STATINTL

Attachment

OGC 78-5744
29 August 1978

DD/A Registry
File *Personnel 9-1*

MEMORANDUM FOR: Chief, General Law Division

FROM :
Assistant General Counsel

SUBJECT : Employment of Retired Agency Employees
by Foreign Governments

1. You have recently asked several questions about the subject which were prompted, at least in part by proposed rules (attached) regarding retired and reserve military officers and a press account (attached) regarding an Agency employee.

2. Article 1, Section 9, Clause 8 of the Constitution provides,

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Both the Attorney General and the Comptroller General have had occasion to interpret this clause relative to activities of current or former Federal employees. See, for example, 40 Op. Atty. Gen. 513 (1947), 13 Op. Atty. Gen. 538 (1871), 44 Comp. Gen. 227 (1964), 44 Comp. Gen. 130 (1964) and 41 Comp. Gen. 715 (1962).

3. While none of these opinions is directly on point that at 44 Comp. Gen. 130 is probably the most useful. That opinion involved a retired enlisted member of the Coast Guard who was teaching for the Department of Education of the State of Tasmania, Australia. The question was whether he was entitled to his retired pay for the period during which he was teaching. It was the Comptroller General's opinion that the amount he received from the State of Tasmania was in violation of the Constitutional clause recited above. The Comptroller General's remedy was to withhold an equal amount from the retiree's retirement pay.

4. The Comptroller General's opinion hinged on the following:

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DD/A Registry

Since retired enlisted members of the United States Coast Guard remain a part of the service and are subject to recall to active duty in time of war or national emergency it appears proper to view them as holding an office of profit and trust under the Federal Government after retirement. 44 Comp. Gen. 131.

An appropriate question then seems to be: does a retired Agency employee hold a similar position?

5. The U.S. Code has several sections dealing with the recall of retired Coast Guard personnel to active duty. See 14 U.S.C. §§240, 241, 310, 311, 359, and 360. These provide for two types of recall for three classes of Coast Guard personnel; commissioned and warrant officers and enlisted personnel. They provide that in times of war or national emergency, the Commandant may order such personnel from the retired list to active duty. They also provide that such a person on the retired list may, with his consent, be assigned to such duties as he may be able to perform, except that no such person who has reached the age of sixty two years shall be recalled in time of peace.

FOIAB5

There is no recall provision under the Civil Service Retirement System.

7. Comparing retired Agency personnel to those of the military, one finds several fundamental differences. First, a military retiree retains many entitlements, such as medical care, commissary and similar privileges that can be said to continue to link him to the military even after retirement. The Agency on the other hand seems to establish more of an arms length relationship with its retirees. See, for example, [REDACTED] Further, the recall provision for Agency personnel is vastly different from that of the military. In fact, under certain conditions a military retiree can be recalled against his will. This is not so in the case of an Agency retiree. One could make a strong argument that these factors make Agency personnel so different from military personnel with regard to the applicability of the Constitutional clause that the outcome found in

25X1

44 Comp. Gen. 130 has no application to Agency employees. Admittedly, however, the only way to be absolutely certain how the Comptroller General would rule with respect to Agency retirees that are in the employment of a foreign government would be to ask the Comptroller General to review a specific case.

8. It is interesting to note that the U.S. Code provides that:

Whenever the Secretary [of State] determines it to be in the public interest, any retired officer or employee of the [Foreign] Service may be recalled for active duty on a temporary or limited basis....
22 U.S.C. §915 (b).

There is no provision for the reduction of a Foreign Service of retiree's pay because of employment by a foreign government. See 3 F.A.M. 673.8. Ms. Cynthia Cannady, Office of the Legal Advisor, Department of State, confirms that the Department has no provision for reducing the retirement pay of a foreign service retiree who becomes employed by a foreign government.

9. With respect to the attached press account, it is worth noting that it is not clear from the facts stated there that the retired Agency employee involved is being paid by a foreign government.



STATINTL

Attachments

in shareholders would be made in the proxy statement for the annual or special meeting of shareholders where shareholders would vote prior to the adoption of any such agreement or policy or renewal thereof. Furthermore, if a fund had borne distribution expenses during the prior fiscal year, it might be necessary to disclose in the proxy statement the amount of such expenses.

It should be noted that at the present time the Commission is of the opinion that the term "no-load" or equivalent terminology should not be used to characterize a fund whose shares are sold without a sales load at the time of purchase but which uses its assets to pay for distribution. Such a fund might state that it charges no sales commission, but it would have to make clear that shareholders will pay for distribution by means of charges against assets. As a condition to granting a temporary order in the application of the Vanguard Group, Inc. (see note 5, supra) the Commission required that the Vanguard funds not call themselves "no-load" funds. The Commission will give further consideration to this issue in connection with the specific Vanguard application.

AUTHORITY: This advance notice of proposed rulemaking is issued under the authority of Sections 12(b) and 38(a) of the Investment Company Act of 1940 (17 U.S.C. 80a-12(b) and 80a-37(a)).

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 23, 1978.

[FR Doc. 78-15013 Filed 5-30-78; 8:45 am]

[8120-01]

TENNESSEE VALLEY AUTHORITY

[13 CFR Part 307]

NONDISCRIMINATION WITH RESPECT TO HANDICAP IN PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE

Implementation of Section 504 of the Rehabilitation Act of 1973; Extension of Comment Period

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Extension of comment period on proposed rule.

SUMMARY: TVA extends until June 14, 1978, the time for submission of comments on its proposed rule implementing section 504 of the Rehabilitation Act of 1973, and changes the location for public inspection of comments received to the Technical Library, 400 Commerce Avenue, E2B7, Knoxville, Tenn.

DATES: Comments must be received on or before June 14, 1978.

ADDRESS: Comments should be sent to Justin M. Schwamm, Sr., Assistant General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E11B25, Knoxville, Tenn. 37902.

FOR FURTHER INFORMATION CONTACT:

Edward F. Hilton, Jr., Tennessee Valley Authority, Division of Personnel, 235 Millers Building, 423 Gay Street, Knoxville, Tenn. 37902; telephone 615-632-2755.

SUPPLEMENTARY INFORMATION:

On Tuesday, May 2, 1978, TVA published a proposed rule in the FEDERAL REGISTER to implement section 504 of the Rehabilitation Act of 1973 (43 FR 18693). The proposal set the place for public inspection of comments in TVA's Information Office, and requested comments by May 31. It appears that a change in location and an extension of the comment period would be desirable and in the public interest to permit easier public inspection of any comments which may be received and to permit additional time for the submission of views. Therefore, interested persons may submit written comments on the proposed rule through June 14, 1978, to the address above. All comments received will be available for public inspection at TVA's Technical Library, 400 Commerce Avenue, E2B7, Knoxville, Tennessee, between the hours of 9 a.m. and 4 p.m. Monday through Friday, except federal holidays.

Dated: May 24, 1978.

H. N. STROUD, Jr.,
Acting General Manager.

[FR Doc. 78-15073 Filed 5-30-78; 8:45 am]

[4710-01]

DEPARTMENT OF STATE

[22 CFR Part 3a]

[Docket No. SD-137]

ACCEPTANCE OF EMPLOYMENT FROM FOREIGN GOVERNMENT BY RETIRED AND RESERVE OFFICERS

Proposed Rulemaking

AGENCY: Department of State.

ACTION: Proposed rule.

SUMMARY: The Department of State proposes to issue regulations governing the procedure for approving civil employment by a foreign government of retired and Reserve members of the Army, Navy, Air Force, Marine Corps, Coast Guard, and commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration. These regulations implement recent legislation which gives Congressional consent, required by the U.S. Constitution, to such employment

in individual cases approved by the Secretary concerned and by the Secretary of State.

DATES: Written comments must be received by July 31, 1978.

ADDRESSES: Send comments to Commander John E. Burgess, United States Navy, Office of International Security Operations, Bureau of Politico-Military Affairs, Department of State, Washington, D.C. 20520.

FOR FURTHER INFORMATION CONTACT:

Commander John E. Burgess, United States Navy, Office of International Security Operations, Bureau of Politico-Military Affairs, Department of State, Washington, D.C. 20520. Phone 202-632-8688.

SUPPLEMENTARY INFORMATION:

Section 509 of the Foreign Relations Authorization Act, fiscal year 1978 (Pub. L. 95-105) gives Congressional consent to retired members of the uniformed services, Armed Forces reservists and commissioned Public Health Service reservists to accept employment with a foreign government. The U.S. Constitution, in Article I, sec. 9, clause 8, provides that no officer of the United States "shall, without the Consent of Congress, accept any present, emolument, office or title, of any kind whatever, from any King, Prince or Foreign State." This clause has been interpreted to apply to retired officers and reservists. The Comptroller General of the United States has ruled that a retired officer who violates this constitutional prohibition by accepting employment with a foreign government without the consent of Congress must forfeit his or her retired pay to the extent of the pay received from the employing foreign government. The new statute grants the necessary Congressional consent to foreign government employment of certain retirees and reservists, contingent on approval of both the Secretary of State and the Secretary in charge of the retiree's or reservist's branch of government service.

The proposed regulation would delegate to the Director, Bureau of Politico-Military Affairs, Department of State, and to persons designated by that officer, the Secretary of State's authority to approve employment by a foreign government. The statute also requires approval by the Secretary of the service with which the applicant is connected (the "Secretary concerned"). This regulation would require approval by the Secretary concerned, or his designee, before the Director, Bureau of Politico-Military Affairs, considers any application. Any application received directly by the Department of State would be referred to the Secretary concerned for initial consideration.

by the Director, Bureau of Politico-Military Affairs, will be on the basis of whether the proposed foreign government employment would adversely affect the foreign relations of the United States. Notice of approval will be given to the Secretary concerned, who will inform the applicant. In the event of disapproval, the Director, Bureau of Politico-Military Affairs, will give the applicant direct written notice stating the reasons for disapproval and providing an opportunity for reconsideration.

Approval under these regulations does not constitute an exception to the provisions of the Immigration and Nationality Act concerning loss of United States citizenship, for example, by becoming a citizen of or taking an oath of allegiance to another country. See 8 U.S.C. 1481 et seq.

It is therefore proposed to amend 22 CFR Chapter I by adding a new Part 3a to read as follows.

**PART 3a—ACCEPTANCE OF EMPLOYMENT
FROM FOREIGN GOVERNMENTS BY RETIRED
AND RESERVE OFFICERS**

Sec.

3a.1 Definitions.

3a.2 Requirement for approval of foreign government employment.

3a.3 Authority to approve or disapprove proposed foreign government employment.

3a.4 Procedure for requesting approval.

3a.5 Basis for approval or disapproval.

3a.6 Notification of approval.

3a.7 Notification of disapproval and reconsideration.

3a.8 Change in status.

AUTHORITY: Sec. 509, 91 Stat. 859 (37 U.S.C. 801 Note); Sec. 4, as amended, 63 Stat. 111 (22 U.S.C. 2658).

§ 3a.1 Definitions.

For purposes of this part—

(a) "Applicant" means any person who requests approval under this part to accept any civil employment (and compensation therefor) from a foreign government and who is: (1) Any retired member of the uniformed services;

(2) Any member of a Reserve component of the Armed Forces; or

(3) Any member of the commissioned Reserve Corps of the Public Health Service.

The term "applicant" also includes persons described in subparagraph (1), (2), or (3), who have already accepted foreign government employment and are requesting approval under this part to continue such employment.

(b) "Uniformed services" means the Armed Forces, the commissioned Regular and Reserve Corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration.

(c) "Armed Forces" means the Army, Navy, Air Force, Marine Corps, and Coast guard.

(d) "Secretary concerned" means The Secretary of the Army, with respect to retired members of the Army and members of the Army Reserve;

(2) The Secretary of the Navy, with respect to retired members of the Navy and the Marine Corps, members of the Navy and Marine Corps Reserves, and retired members of the Coast Guard and members of the Coast Guard Reserve when the Coast Guard is operating as a service in the Navy;

(3) The Secretary of the Air Force, with respect to retired members of the Air Force and members of the Air Force Reserve;

(4) The Secretary of Transportation, with respect to retired members of the Coast Guard and members of the Coast Guard Reserve when the Coast Guard is not operating as a service in the Navy;

(5) The Secretary of Commerce, with respect to retired members of the commissioned corps of the National Oceanic and Atmospheric Administration; and

(6) The Secretary of Health, Education, and Welfare, with respect to retired members of the commissioned Regular Corps of the Public Health Service and members of the commissioned Reserve Corps of the Public Health Service.

§ 3a.2 Requirement for approval of foreign government employment.

(a) The United States Constitution (Article I, Section 9, clause 8) prohibits the acceptance of civil employment with a foreign government by an officer of the United States without the consent of Congress. Congress has consented to the acceptance of civil employment (and compensation therefor) by any person described in § 3a.1(b) subject to the approval of the Secretary concerned and the Secretary of State (37 U.S.C. 801 Note). Civil employment with a foreign government may not be accepted without such approval by any person so described.

(b) The Secretary of State has to approve employment with a foreign government by any officer of the United States other than a person described in § 3a.1(a). The acceptance of employment with a foreign government by any other officer of the United States remains subject to the constitutional prohibition described in paragraph (a) of this section.

(c) Any person described in § 3a.1(a) who accepts employment with a foreign government without the approval required by this section or otherwise obtaining the consent of Congress is subject to forfeiture of retired pay to the extent of his or her compensation from the foreign government, according to the Comptroller General of the United States (44 Comp. Gen. 139 (1964)). This forfeiture is in addition

to any other penalty which may be imposed under law or regulation.¹

§ 3a.3 Authority to approve or disapprove proposed foreign government employment.

The Director, Bureau of Politico-Military Affairs, is authorized to approve or disapprove any request by an applicant for approval under this part to accept civil employment (and compensation therefor) from a foreign government. The Director may delegate this authority within the Bureau of Politico-Military Affairs, Department of State.

§ 3a.4 Procedure for requesting approval.

(a) An applicant must submit a request for approval of foreign government employment to the Secretary concerned, whose approval is also required by law for the applicant's acceptance of civil employment from a foreign government. The request must contain information concerning the applicant's status, the nature of the proposed employment in as much detail as possible, the identity of and relationship to the foreign government concerned, and other matters as may be required by the Secretary concerned.

(b) Requests approved by the Secretary concerned will be referred to the Director, Bureau of Politico-Military Affairs, for approval. Requests received by the Director, Bureau of Politico-Military Affairs, directly from an applicant will be initially forwarded to the Secretary concerned, or his designee, for approval or disapproval.

§ 3a.5 Basis for approval or disapproval.

Decisions by the Director, Bureau of Politico-Military Affairs, under this part shall be based on whether the applicant's proposed employment with a foreign government would adversely affect the foreign relations of the United States, in light of the applicant's official status as a retiree or reservist.

§ 3a.6 Notification of approval.

The Director, Bureau of Politico-Military Affairs, will notify the Secretary concerned when an applicant's proposed foreign government employment is approved. Notification of approval to the applicant will be made by the Secretary concerned or his designee.

§ 3a.7 Notification of disapproval and reconsideration.

(a) The Director, Bureau of Politico-Military Affairs, will notify the appli-

¹Approval under this Part does not constitute an exception to the provisions of the Immigration and Nationality Act concerning loss of United States citizenship, for example, by becoming a citizen of or taking an oath of allegiance to another country. See 8 U.S.C. 1481 et seq.

cant directly when an applicant's proposed foreign employment is disapproved, and will inform the Secretary concerned.

(b) Each notification of disapproval under this section must include a statement of the reasons for the disapproval, with as much specificity as security and foreign policy considerations permit, together with a notice of the applicant's right to seek reconsideration of the disapproval under paragraph (c) of this section.

(c) Within 60 days after receipt of the notice of disapproval, an applicant whose request has been disapproved may submit a request for reconsideration by the Director, Bureau of Politico-Military Affairs. A request for reconsideration should provide information relevant to the reasons set forth in the notice of disapproval.

(d) The disapproval of a request by the Director, Bureau of Politico-Military Affairs, will be final, unless a timely request for reconsideration is received. In the event of a request for reconsideration, the Director, Bureau of Politico-Military Affairs, will make a final decision after reviewing the record of the request. A final decision after reconsideration to approve the applicant's proposed employment with a foreign government will be communicated to the Secretary concerned as provided in §3a.6. A final decision after reconsideration to disapprove the applicant's proposed employment with a foreign government will be communicated directly to the applicant as provided in paragraph (a) of this section and the Secretary concerned will be informed. The Director's authority to make a final decision after reconsideration may not be re-delegated.

§3a.8 Change in status.

In the event that an applicant's foreign government employment approved under this part is to be materially changed, either by a substantial change in duties from those described in the request upon which the original approval was based, or by a change of employer, the applicant must obtain further approval in accordance with this part for such changed employment.

WARREN CHRISTOPHER,
The Deputy Secretary.

MAY 9, 1978.

[FR Doc. 78-15066 Filed 5-30-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-4144]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for
the City of Grosse Pointe Park, Wayne
County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Grosse Pointe Park, Wayne County, Mich. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 15115 East Jefferson, Grosse Pointe Park, Mich. Send comments to: Mr. Robert Stone, City Manager, city of Grosse Pointe Park, City Hall, 15115 East Jefferson, Grosse Pointe Park, Mich. 48230.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Grosse Pointe Park, Mich., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures re-

quired by §1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake St. Clair	Barrington Rd.	578.5
	Berkshire Rd.	578.5
	Trombley Rd.	578.6
	Bedford Rd.	578.5
	Windmill Pointe Dr.	578.5
	Fairfax St.	578.5

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's Delegation of authority to Federal Insurance Administrator, 34 FR 2660, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14102 Filed 5-30-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4145]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for
the Village of Grosse Pointe Shores, Wayne
County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the village of Grosse Pointe Shores, Wayne County, Mich. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

PUBLIC LAW 95-105—AUG. 17, 1977

91 STAT. 859

PANAMA CANAL

SEC. 506. Any new Panama Canal treaty or agreement negotiated with funds appropriated under this Act must protect the vital interests of the United States in the Canal Zone and in the operation, maintenance, property, and defense of the Panama Canal.

UNITED NATIONS CONFERENCE ON SCIENCE AND TECHNOLOGY FOR DEVELOPMENT

SEC. 507. (a) The President shall take appropriate steps to ensure that, at all stages of the United Nations Conference on Science and Technology for Development, representatives of the United States place important emphasis, in both official statements and informal discussions, on the development and use of light capital technologies in agriculture, in industry, and in the production and conservation of energy.

(b) As used in this section, the term "light capital technologies" means those means of production which economize on capital wherever capital is scarce and expensive and labor abundant and cheap, the purposes being to insure that the increasingly scarce capital in the world can be stretched to help all, rather than a small minority, of the world's poor; that workers will not be displaced by sophisticated labor-saving devices where there is already much unemployment; and further, that poor nations can be encouraged eventually to produce their own capital from surplus labor time, thus enhancing their chances of developing independently of outside help.

"Light capital technologies."

INTER-AMERICAN FOUNDATION

SEC. 508. Section 401(s) of the Foreign Assistance Act of 1969 (22 U.S.C. 290f(s)) is amended—

(1) by inserting "(1)" immediately after "(s)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) There is authorized to be appropriated not to exceed \$25,000,000 for each of the fiscal years 1979 and 1980 to carry out the purposes of this section. Amounts appropriated under this paragraph are authorized to remain available until expended."

Appropriation authorization.

FOREIGN EMPLOYMENT

SEC. 509. (a) Subject to the condition described in subsection (b), the consent of Congress is granted to—

(1) any retired member of the uniformed services,

(2) any member of a Reserve component of the Armed Forces,

and

(3) any member of the commissioned Reserve Corps of the Public Health Service,

to accept any civil employment (and compensation therefor) with respect to which the consent of Congress is required by the last paragraph of section 9 of article I of the Constitution of the United States, relating to acceptance of emoluments, offices, or titles from a foreign government.

Congressional consent.
37 USC 801 note.

USC prec. title 1.

91. STAT. 860

PUBLIC LAW 95-105—AUG. 17, 1977

PUBLIC LAW

(b) No individual described in subsection (a) may accept any employment or compensation described in such subsection unless the Secretary concerned and the Secretary of State approve such employment.

Definitions.

(c) For purposes of this section, the term—

(1) "uniformed services" means the Armed Forces, the commissioned Regular and Reserve Corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration;

(2) "Armed Forces" means the Army, Navy, Air Force, Marine Corps, and Coast Guard; and

(3) "Secretary concerned" means—

(A) the Secretary of the Army, with respect to retired members of the Army and members of the Army Reserve;

(B) the Secretary of the Navy, with respect to retired members of the Navy and the Marine Corps, members of the Navy and Marine Corps Reserves, and retired members of the Coast Guard and members of the Coast Guard Reserve when the Coast Guard is operating as a service in the Navy;

(C) the Secretary of the Air Force, with respect to retired members of the Air Force and members of the Air Force Reserve;

(D) the Secretary of Transportation, with respect to retired members of the Coast Guard and members of the Coast Guard Reserve when the Coast Guard is not operating as a service in the Navy;

(E) the Secretary of Commerce, with respect to retired members of the commissioned corps of the National Oceanic and Atmospheric Administration; and

(F) the Secretary of Health, Education, and Welfare, with respect to retired members of the commissioned Regular Corps of the Public Health Service and members of the commissioned Reserve Corps of the Public Health Service.

Repeal.

(d) (1) Section 1032 of title 10, United States Code, is repealed.

(2) The section analysis for chapter 53 of such title is amended by striking out the item relating to section 1032.

10 USC 280 note.

(3) Section 280 of such title is amended by striking out "1032."

INTERNATIONAL FOOD RESERVE

22 USC 2220
note.

SEC. 510. (a) The Congress finds and declares that—

(1) half a billion people suffer from malnutrition or undernutrition;

(2) very modest shortfalls in crop production can result in widespread human suffering;

(3) increasing variability in world food production and trade remains an ever-present threat to producers and consumers;

(4) the World Food Conference recognized the urgent need for an international undertaking on world food security based largely upon strategic food reserves;

(5) the nations of the world have agreed to begin discussions on a system of grain reserves to regulate food availability;

(6) the Congress through legislation has repeatedly urged the President to enter negotiations with other nations to establish such a network of grain reserves;

(7) little progress has been made in discussions toward the new system;

(8) this lack of progress in such discussions; and

(9) the United States is an important producer of

(b) It is therefore the policy of the United States to initiate a major diplomatic effort to develop an international system of national food supply assurance to cover

NEGO.

SEC. 511. (a) It is the policy of the United States toward the normalization of relations with the People's Republic of China in a deliberate manner and on a basis of mutual respect and equality of the United States with the United States citizens who are engaged in such negotiations be protected.

(b) Furthermore, it is the policy of the United States to take actions regarding the movement of personnel beyond its borders and individuals are among the persons who are engaged in any such negotiations.

UNITED STATES

SEC. 512. (a) The Congress

(1) United States policy shall be arrived at by joint decision

(2) in any implementation and phased reduction of the Republic of Korea, the such reduction in stage in Asia, notably Japan, Republic of Korea;

(3) any implementation with a careful regard to continuing its close relationship with Japan, in fostering democracy and in maintaining stability in Asia; and

(4) these interests which involve consultation as appropriate, with those directly involved.

(b) (1) Any implementation shall be carried out in regular consultation

(2) Not later than February 15 of each year thereafter the President shall transmit to the House of Representatives a report on the Armed Services, and Intelligence and Information of the foregoing

Approved For Release 2006/10/31 : CIA-RDP81-00142R000500010002-7

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